

By: M. H. H. H. H.

S.B. No. 672

A BILL TO BE ENTITLED

AN ACT

relating to the continuing supervision of certain water districts
and authorities by the Texas Water Commission *and to Reports to the
governor, lieutenant governor, and Speaker of the House.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 12.081, Water Code, *as amended,* is amended to read as follows:

Sec. 12.081. CONTINUING RIGHT OF SUPERVISION OF DISTRICTS
AND AUTHORITIES CREATED UNDER ARTICLE III, SECTION 52 AND ARTICLE
XVI, SECTION 59 OF THE TEXAS CONSTITUTION. (a) The powers and
duties of all districts and authorities created under Article III,
Section 52 and Article XVI, Section 59 of the Texas Constitution
are subject to the continuing right of supervision of the State of
Texas by and through the commission or its successor, and it [~~this~~
~~supervision~~] may [~~include-but-is-not-limited-to-the-authority--to~~]:

(1) inquire into the competence, fitness, and
reputation of the officers and directors of any district or
authority;

(2) require, on its own motion or on complaint by any
person, audits or other financial information, inspections,
evaluations, and engineering reports;

(3) issue subpoenas for witnesses to carry out its
authority under this subsection;

(4) institute investigations and hearings using
examiners appointed by the commission; and

5/13/87

4/9/87

1 (5) issue rules necessary to implement the authority
2 granted by this subsection [~~supervise-the-districts~~].

3 (b) The commission shall prepare and submit a report of any
4 findings made under this section to the governor, lieutenant
5 governor, and speaker of the house [~~The-provisions-of-this--section~~
6 ~~shall--not--apply--to--any--river-authority-enccompassing-10-or-more~~
7 ~~counties--which--was--not--subject--to--the--continuing--right---of~~
8 ~~supervision--of-the-State-of-Texas-by-and-through-the-commission-or~~
9 ~~its-predeceessors-on-June-10,-1969~~].

10 SECTION 2. This Act takes effect September 1, 1987.

11 SECTION 3. The importance of this legislation and the
12 crowded condition of the calendars in both houses create an
13 emergency and an imperative public necessity that the
14 constitutional rule requiring bills to be read on three several
15 days in each house be suspended, and this rule is hereby suspended.

By: Montford S.B. No. 672
(In the Senate - Filed March 4, 1987; March 5, 1987, read first time and referred to Committee on Natural Resources; April 9, 1987, reported favorably by the following vote: Yeas 9, Nays 0; April 9, 1987, sent to printer.)

COMMITTEE VOTE

	Yea	Nay	PNV	Absent
Santiesteban	x			
Montford	x			
Armbrister	x			
Brown	x			
Lyon				x
Sarpalius	x			
Sims	x			
Tejeda	x			
Uribe	x			
Whitmire				x
Zaffirini	x			

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(1) inquire into the competence, fitness, and reputation of the officers and directors of any district or authority;

(2) require, on its own motion or on complaint by any person, audits or other financial information, inspections, evaluations, and engineering reports;

(3) issue subpoenas for witnesses to carry out its authority under this subsection;

(4) institute investigations and hearings using examiners appointed by the commission; and

(5) issue rules necessary to implement the authority granted by this subsection ~~[supervise-the-districts]~~.

(b) The commission shall prepare and submit a report of any findings made under this section to the governor, lieutenant governor, and speaker of the house ~~[The-provisions-of-this-section shall--not--apply--to--any--river-authority-enccompassing-10-or-more counties--which--was--not--subject--to--the--continuing--right--of supervision--of-the-State-of-Texas-by-and-through-the-commission-or its-predecessors-on-June-10-1969]~~.

SECTION 2. This Act takes effect September 1, 1987.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

* * * * *

Austin, Texas
April 9, 1987

Hon. William P. Hobby
President of the Senate

Sir:

We, your Committee on Natural Resources to which was referred S.B. No. 672, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

Santiesteban, Chairman

SENATE FAVORABLE COMMITTEE REPORT

Lt. Governor William P. Hobby
President of the Senate

4/8 2pm
(date)/(time)

Sir:

We, your Committee on NATURAL RESOURCES to which was referred
SB 672 by Montford have on 4/8, 19 87, had the same
(measure) (sponsor) (hearing date)

under consideration and I am instructed to report it back with the recommendation (s) that it

- ☒ do pass and be printed
☐ do pass and be ordered not printed
☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☒ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

Senate Sponsor of House Measure Montford

The measure was reported from Committee by the following vote:

	YEA	NAY	PNV	ABSENT
Santiesteban, Chairman	<input checked="" type="checkbox"/>			
Montford, Vice Chairman	<input checked="" type="checkbox"/>			
Armbrister	<input checked="" type="checkbox"/>			
Brown	<input checked="" type="checkbox"/>			
Lyon	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Sarpalius	<input checked="" type="checkbox"/>			
Sims	<input checked="" type="checkbox"/>			
Tejeda	<input checked="" type="checkbox"/>			
Uribe	<input checked="" type="checkbox"/>			
Whitmire				<input checked="" type="checkbox"/>
Zaffirini	<input checked="" type="checkbox"/>			
TOTAL VOTES	<u>9</u>	<u>0</u>	<u>0</u>	<u>2</u>

Jane Paulaster
COMMITTEE CLERK

[Signature]
CHAIRMAN

FILE

7087

BILL ANALYSIS

By: Montford

S.B. 672
Senate Committee
on Natural Resources

BACKGROUND:

Currently, Section 12.081, Water Code provides that the powers and duties of all districts and authorities are subject to the continuing right of supervision of the State of Texas by and through the Texas Water Commission. While the statute speaks in general terms of "districts" and "authorities," the statute speaks only in terms of "districts" with regard to supervisory measures from the Commission. Furthermore, subsection (b) of the aforementioned section specifically excludes some river authorities and districts from the supervisory control delegated in this statute.

PURPOSE:

As proposed, S.B. 672 would delegate to the Water Commission the continuing right of supervision over all districts and authorities.

RULEMAKING AUTHORITY:

It is the committee's opinion that rulemaking authority is granted to the Texas Water Commission in Section 12.081(5), under Section 1 of this bill.

SECTION BY SECTION ANALYSIS:

SECTION 1. Amends Section 12.081, Water Code, to retitle the section and amend Subsections (a) and (b) as follows:

(a) (1) Includes "authority" to conform with the Section retitling; (5) Allows the State of Texas, through the Texas Water Commission or its successor, to issue rules necessary to implement the authority granted by this subsection when supervising certain water districts. (b) Requires the commission to prepare and submit a report of any findings made under this section to the governor, lieutenant governor, and speaker of the house.

SECTION 2. Effective date, September 1, 1987.

SECTION 3. Emergency clause.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 20, 1987

TO: Honorable H. Tati Santiesteban, Chairman
Committee on Natural Resources
Senate Chamber
Austin, Texas

In Re: Senate Bill No. 672
By: Montford

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 672 (relating to the continuing supervision of certain water districts and authorities by the Texas Water Commission) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: Water Commission;
LBB Staff: JO, HES, JWH, JG, PA

May 13 1987 Engrossed
Patsy Law
Engrossing Clerk

I certify that the attached is a true and correct
copy of SB 672, which was
received from the Senate on MAY 14 1987
referred to the Committee on Natural Resources
Paul Ramsey
Chief Clerk of the House

By: Montford

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are subject to the continuing right of supervision of the State of
Texas by and through the commission or its successor, and it [~~this~~
~~supervision~~] may [~~include-but-is-not-limited-to-the-authority-to~~]:

(1) inquire into the competence, fitness, and
reputation of the officers and directors of any district or
authority;

(2) require, on its own motion or on complaint by any
person, audits or other financial information, inspections,
evaluations, and engineering reports;

(3) issue subpoenas for witnesses to carry out its
authority under this subsection;

(4) institute investigations and hearings using
examiners appointed by the commission; and

1 (5) issue rules necessary to implement the authority
2 granted by this subsection [~~supervise-the-districts~~].

3 (b) The commission shall prepare and submit a report of any
4 findings made under this section to the governor, lieutenant
5 governor, and speaker of the house [~~The-provisions-of-this-section~~
6 ~~shall-not-apply-to-any-river--authority--encompassing--10--or--more~~
7 ~~counties---which--was--not--subject--to--the--continuing--right--of~~
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By: Montford

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No fiscal implication to the State or units of local government is anticipated.

Source: Water Commission;
LBB Staff: JO, HES, JWH, JG, PA

HOUSE COMMITTEE REPORT

1st Printing

By Montford
(Johnson of Anderson)
Substitute the following for S.B. No. 672:

S.B. No. 672

By Johnson of Anderson

C.S.S.B. No. 672

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(1) inquire into the competence, fitness, and reputation of the officers and directors of any district or authority;

(2) require, on its own motion or on complaint by any person, audits or other financial information, inspections, evaluations, and engineering reports;

(3) issue subpoenas for witnesses to carry out its authority under this subsection;

(4) institute investigations and hearings using examiners appointed by the commission, including investigations

1 regarding whether the authority is complying with the public policy
2 as set out in Section 1.003 of this code and whether the authority
3 is adequately meeting statewide and basinwide needs;

4 (5) review and approve major projects proposed by an
5 authority related to the development or management of water
6 resources as provided by rules adopted by the commission;

7 (6) require an authority to make public any financial
8 disclosure as provided by rules adopted by the commission;

9 (7) require authorities to submit for commission
10 review and approval a biennial plan for its activities related to
11 water planning, development, management, and conservation,
12 including but not limited to information on:

13 (A) current capital projects operated;

14 (B) projects in planning stage;

15 (C) the potential need for regional water and
16 wastewater systems;

17 (D) water conservation activities.

18 (8) adopt and require a uniform accounting system for
19 all authorities; and

20 (9) issue rules necessary to supervise the districts
21 and authorities.

22 (b) For purposes of Subsection (a)(5) of this Section, the
23 Executive Director shall make recommendations to the commission on
24 proposed projects within 90 days of a written request for project
25 approval.

26 (c) The commission shall prepare and submit a report of any
27 findings made under this section to the governor, lieutenant

1 governor, and speaker of the house [~~The provisions of this section~~
2 ~~shall not apply to any river authority encompassing 10 or more~~
3 ~~counties which was not subject to the continuing right of~~
4 ~~supervision of the State of Texas by and through the commission or~~
5 ~~its predecessors on June 10, 1969~~].

6 SECTION 2. This Act takes effect September 1, 1987.

7 SECTION 3. The importance of this legislation and the
8 crowded condition of the calendars in both houses create an
9 emergency and an imperative public necessity that the
10 constitutional rule requiring bills to be read on three several
11 days in each house be suspended, and this rule is hereby suspended.

COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

May 25, 1987
(date)

Sir:

We, your COMMITTEE ON NATURAL RESOURCES,

to whom was referred SB 672 have had the same under consideration and beg to report
(measure)
back with the recommendation that it

- () do pass, without amendment.
() do pass, with amendment(s).
(X) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (X) yes () no An actuarial analysis was requested. () yes (X) no

An author's fiscal statement was requested. () yes (X) no

The Committee recommends that this measure be placed on the ~~(Local) or (Consent)~~ Calendar.

This measure () proposes new law. (X) amends existing law.



House Sponsor of Senate Measure C. Johnson

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Smith, T., Ch.	X			
Harris, J., V.C.		X		
Johnson, C., C.B.O.	X			
Hammond	X			
Holzheuser	X			
Russell				X
Shelley		X		
Toomey	X			
Yost		X		

Total

5 aye
3 nay
0 present, not voting
1 absent


CHAIRMAN

COMMITTEE COORDINATOR

SB 672
By: Montford

Committee on
Natural Resources

BILL ANALYSIS

Background

Currently, certain river authorities may not be subject to the continuing right of supervision of the State of Texas.

Purpose of the Bill

This bill would make all river authorities subject to the continuing right of supervision of the Texas Water Commission.

Section by Section Analysis

SECTION 1. Amends Section 12.081, Water Code, to include all authorities and districts as subject to the continuing right of supervision of the Texas Water Commission and includes the right to investigate and coordinate development of water resources and approval or denial of the issuance of bonds. Also provides specific authority to review and approve certain projects and investigate compliance with Section 1.003, Water Code. Requires river authorities to submit to the commission a biennial plan for development, and requires commission to adopt a uniform accounting system for all authorities. Provides for a report to the Governor, Lieutenant Governor and Speaker.

SECTION 2. Effective date is September 1, 1987.

SECTION 3. Emergency clause.

Rulemaking Authority

The Texas Water Commission is granted authority to issue rules necessary to supervise authorities under Section 1 of this bill.

Summary of Committee Action

Pursuant to a suspension of the five day posting rule, a public hearing was held on May 20, 1987.

On May 25, 1987, the the full committee voted to report SB 672 to the House as substituted with a recommendation that it do pass by a record vote of 5 ayes, 3 nays and zero present, not voting.

The following persons testified on SB 672:

Ed Howard, Legislative Consultant, representing Sabine River Authority, San Jacinto River Authority, and Col. River Municipal Water District

Rayford Price, Attorney, representing

Sabine River Authority, San Jacinto River Authority, and Upper Colorado Municipal Utility District

Ken Kramer, Consultant
Sierra Club

Comparison of the Original Bill to the Substitute

The substitute bill adds the language in subsections 5 through 8 in Section 1 regarding the Commission's supervisory authority over the river authorities. The substitute also requires the Executive Director of the Commission to make recommendations regarding proposed projects of a river authority.

SB 672
By: Montford

Committee on
Natural Resources

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LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 27, 1987

TO: Honorable Terral Smith, Chair
Committee on Natural Resources
House of Representatives
Austin, Texas

In Re: House Committee Substitute for
Senate Bill No. 672

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Committee Substitute for Senate Bill No. 672 (relating to the continuing supervision of certain water districts and authorities by the Texas Water Commission) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill requires the Water Commission to investigate the management of water resources of authorities created under Article III, Section 52 and Article XVI, Section 59 of the Texas Constitution. The commission would review and approve major projects proposed by an authority, require public financial disclosure, require a biennial plan for water uses for review and approval, and adopt a uniform accounting system for all authorities.

The Commission shall report any funding as a result of this legislation to the Governor, Lieutenant Governor and Speaker of the House.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Cost Out of the General Revenue Fund</u>	<u>Probable Cost to Local Units of Government</u>	<u>Change in Number of State Employees from FY 1987</u>
1988	\$215,709	\$1,350,000	+5.2
1989	203,709	1,350,000	+5.3
1990	203,709	1,350,000	+5.3
1991	203,709	1,350,000	+5.3
1992	203,709	1,350,000	+5.3

Similar annual costs would continue as long as the provisions of the bill are in effect.

Source: Secretary of State;
LBB Staff: JO, HES, JWH, AL, AF

No fiscal implication to the State or units of local government is anticipated.

Source: Water Commission;
LBB Staff: JO, HES, JWH, JG, PA

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 20, 1987

TO: Honorable Terral Smith, Chair
Committee on Natural Resources
House of Representatives
Austin, Texas

In Re: Senate Bill No. 672,
as engrossed
By: Montford

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 672, as engrossed (relating to the continuing supervision of certain water districts and authorities by the Texas Water Commission and to reports to the governor, lieutenant governor, and speaker of the house) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: Water Commission;
LBB Staff: JO, HES, JWH, JG, AF

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 20, 1987

TO: Honorable H. Tati Santiesteban, Chairman
Committee on Natural Resources
Senate Chamber
Austin, Texas

In Re: Senate Bill No. 672
By: Montford

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 672 (relating to the continuing supervision of certain water districts and authorities by the Texas Water Commission) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: Water Commission;
LBB Staff: JO, HES, JWH, JG, PA

S. B. No.

672

By

M. H. H. H.

AN ACT relating to the continuing supervision of certain water districts and authorities by the Texas Water Commission.

3-4-87

Filed with the Secretary of the Senate

MAR 5 1987

Read and referred to Committee on NATURAL RESOURCES

APR 9 1987

Reported favorably

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

Laid before the Senate

MAY 13 1987

Senate and Constitutional Rules to permit consideration suspended by:

unanimous consent

____ years, ____ nays

MAY 13 1987

Read second time, _____, and ordered engrossed by:

unanimous consent

a viva voce vote

____ years, ____ nays

Caption ordered amended to conform to the body of the bill.

MAY 13 1987

Senate and Constitutional 3 Day Rule suspended by a vote of 28 yeas, 0 nays.

MAY 13 1987

Read third time, _____, and passed by _____ yeas, _____ nays.

BY A VIVA VOCE VOTE

Betty King

SECRETARY OF THE SENATE

OTHER ACTION:

May 13, 1987

Engrossed

MAY 14 1987

Sent to House

Engrossing Clerk

Patsy Graw

MAY 14 1987

Received from the Senate

MAY 18 1987

Read first time and referred to Committee on

Natural Resources

5-25-87

Reported favorably sub amended, sent to Printer at

4:40 pm

MAY 27 1987

Printed and Distributed

Sent to Committee on Calendars

Read Second time (amended): passed to third reading (failed)

by (Non-Record Vote) Record Vote of ____ yeas, ____ nays ____ present not voting.

Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of ____ yeas, ____ nays ____ present not voting.

Read third time (amended); finally passed (failed) by a (Non-Record Vote) Record Vote of

____ yeas, ____ nays ____ present not voting.

Caption ordered amended to conform to body of bill.

Returned to Senate.

CHIEF CLERK OF THE HOUSE

Returned from House without amendment.

Returned from House with ____ amendments.

Concurred in House amendments by a viva voce vote ____ yeas, ____ nays.

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____, _____, _____, and _____.

_____ House granted Senate request. House conferees appointed: _____, Chairman; _____, _____, _____.

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by: _____

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommended to Conference Committee

_____ Conferees discharged

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays

1897 JUL 26 AM 11:50

YN